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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,917	09/15/2003	Iqbal Jami	4-2	2734
22046 7590 04/27/2009 Docket Administrator - Room 2F-192 Alcatel-Lucent USA Inc. 600-700 Mountain Avenue Murray Hill, NJ 07974				
EXAMINER				
HO, HUY C				
ART UNIT		PAPER NUMBER		
2617				
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04/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,917

Applicant(s)

JAMI ET AL.

Examiner

HUY C. HO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 10-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/15/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/19/2009 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1 and 6 recite the limitation "the" in amount of data, rate, signals, decision means.

There is insufficient antecedent basis for this limitation in the claim. Correction is required.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 6 and new claims 11-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-3, 5-8 and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winberg (GB 2369003) in view of Helmersen (WO 02/067606) and further in view of Valen (US 6,978,143).

Consider claim 1 (Currently Amended), Winberg discloses a method of transfer of a call connection connecting a telecommunications base station and a mobile user terminal between dedicated channels in both directions therebetween and shared channels in both directions therebetween (see the abstract), comprising:

determining the amount of data buffered at the base station and the user terminal for transmission therebetween and/or the rate that data arrives at the base station and user terminal for

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transmission therebetween (page 2 lines 23-30, page 4 lines 20-25, page 5 lines 15-30);

determining a value of a measured parameter of the signals between the base station and the user terminal (page 2 lines 20-30, page 4 lines 12-18); and

deciding to make the transfer, dependent upon said value and upon said amount or rate (page 2 lines 23-30, page 4 lines 20-25, page 5 lines 15-30, page 7 lines 20-21);

and upon said determination whether or not the shared channels operate such that of receipt is sent on receiving data (page 2 lines 1-30, page 3 lines 1-32, page 4 lines 1-21).

determining whether or not the shared channels are to operate

determining whether or not the shared channels (Winberg, page 3 lines 1-32, page 4 lines 1-21, discussing different users have different requirements for data transfer frequency and intensity, this may cause channel switching increase rapidly, the RNC determines switching between allocated channels based on relevant parameters, e.g., buffering information), are in a mode in which to that an acknowledgement of receipt is required to be received back before data is assumed to have been correctly received sent on receiving data;

deciding to make the transfer, dependent upon said value and upon said amount or rate, and upon said mode determination (see Winberg, the abstract, page 2 lines 10-30).

Winberg does not show signal attenuation or propagation delay, but it is noticeable Winberg discusses signaling load on the network that cause channel switching (see Winberg, page 7 lines 20-21). Helmerston discloses signal attenuation or propagation delay (see Helmerston, page 11 lines 27-31, page 12 lines 20-31, page 13 lines 1-3).

Since both Winberg and Helmerston teach system and method for channel allocation, channel switching, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Winberg teaching, and have signal attenuation or propagation delay, taught by Helmerston, to improve the system and method for facilitating resource allocation, as discussed by Helmerston (see Helmerston, page 1 lines 5-29, page 3 lines 1-31, page 4 lines 1-31 and lines 5 lines 1-20).

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Winberg, modified by Helmerson, does not show a shared channel in a mode in which an acknowledgement is required. Vialen teaches a method and system for management of packet data transfer in a UMTS system, where Vialen teaches the system makes a decision for uses of common channel or dedicated channel based on acknowledgement received in common channel FACH/RACH (see Vialen, col 2 lines 55-67), thus Vialen discloses a shared channel in a mode in which an acknowledgement is required. Since Winberg, Helmerson and Vialen teach methods and systems for channel management and channel switching in UMTS systems, thus it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify teachings of Winberg and Helmerson, by combining teachings of Vialen of acknowledgements are received in a common channel for determination of channel switching between common channels and dedicated channels that makes the channel transfer between common channels and dedicated channels faster and available to all mobile stations in the system (see Vialen, col 1 lines 45-67, col 2 lines 1-67, col 3 lines 1-3).

Consider claim 6, (Currently Amended) Winberg discloses a telecommunications system comprising a base station and a mobile user terminal, the base station and the user terminal being in use in call connection over dedicated channels or shared channels (see Winberg, page 1 lines 10-33),

the base station comprising decision means, a channel allocator, and a processor (page 1 lines 10-33, page 5 lines 15-28),

the decision means being operative to control transfer of the call connection by the channel allocator between the dedicated channels and the shared channels dependent upon (page 2 lines 10-30, page 3 lines 28-32, page 4 lines 1-6):

a first input signal to the decision means indicating the amount of data buffered at the base station and the user terminal for transmission therebetween and/or the rate that data arrives at the base station and user terminal for transmission therebetween (page 2 lines 23-30),

a second input signal to the decision means indicating the value of a measured parameter of the signals between the base station and the user terminal, the parameter being the parameter value

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being determined by the processor (page 2 lines 20-30, page 4 lines 12-18), and

a third input signal to the decision means indicating whether or not the shared channels (Winberg, page 3 lines 1-32, page 4 lines 1-21, discussing different users have different requirements for data transfer frequency and intensity, this may cause channel switching increase rapidly, the RNC determines switching between allocated channels based on relevant parameters, e.g., buffering information) are in a mode in which to operate such that an acknowledgement of receipt is required to be received back before data is assumed to have been correctly received sent on receiving data.

Winberg does not show signal attenuation or propagation delay, but it is noticeable Winberg discusses signaling load on the network that cause channel switching (see page 7 lines 20-21). Helmerson discloses signal attenuation or propagation delay (see page 11 lines 27-31, page 12 lines 20-31, page 13 lines 1-3).

Since both Winberg and Helmerson teach system and method for channel allocation, channel switching, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Winberg teaching, and have signal attenuation or propagation delay, taught by Helmerson, to improve the system and method for facilitating resource allocation, as discussed by Helmerson (see page 1 lines 5-29, page 3 lines 1-31, page 4 lines 1-31 and lines 5 lines 1-20).

Winberg, modified by Helmerson, does not show a shared channel in a mode in which an acknowledgement is required. Vialen teaches a method and system for management of packet data transfer in a UMTS system, where Vialen teaches the system makes a decision for uses of common channel or dedicated channel based on acknowledgement received in common channel FACH/RACH (see Vialen, col 2 lines 55-67), thus Vialen discloses a shared channel in a mode in which an acknowledgement is required. Since Winberg, Helmerson and Vialen teach methods and systems for channel management and channel switching in UMTS systems, thus it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify teachings of Winberg and Helmerson, by combining teachings of Vialen of acknowledgements are received in a common

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channel for determination of channel switching between common channels and dedicated channels that makes the channel transfer between common channels and dedicated channels faster and available to all mobile stations in the system (see Valen, col 1 lines 45-67, col 2 lines 1-67, col 3 lines 1-3).

Consider claim 11 (New) Winberg teaches a radio network controller (page 1, lines 10-20), comprising:

decision means, a channel allocator, and a determinator, the decision means adapted to control transfer of a call connection via the channel allocator between dedicated channels and shared channels dependent upon (Winberg, page 1, lines 10-30, page 2 lines 10-30):

a first input signal indicating an amount of data buffered for transmission, a rate that data arrives for transmission, or both the amount of data buffered for transmission and the rate that data arrives for transmission (page 2 lines 23-30);

a second input signal indicating a value of a parameter, the parameter being signal attenuation or propagation delay of transmitted signals, the value of the parameter being determined by the determinator (page 2 lines 20-30, page 4 lines 12-18); and

a third input signal indicating whether or not the shared channels operate (Winberg, page 3 lines 1-32, page 4 lines 1-21, discussing different users have different requirements for data transfer frequency and intensity, this may cause channel switching increase rapidly, the RNC determines switching between allocated channels based on relevant parameters, e.g., buffering information), in a mode in which an acknowledgement of receipt is required to be received back before data is assumed to have been correctly received.

Winberg does not show signal attenuation or propagation delay, but it is noticeable Winberg discusses signaling load on the network that cause channel switching (see page 7 lines 20-21). Helmersen discloses signal attenuation or propagation delay (see page 11 lines 27-31, page 12 lines 20-31, page 13 lines 1-3).

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Since both Winberg and Helmerson teach system and method for channel allocation, channel switching, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Winberg teaching, and have signal attenuation or propagation delay, taught by Helmerson, to improve the system and method for facilitating resource allocation, as discussed by Helmerson (see page 1 lines 5-29, page 3 lines 1-31, page 4 lines 1-31 and lines 5 lines 1-20).

Winberg, modified by Helmerson, does not show a shared channel in a mode in which an acknowledgement is required. Vialen teaches a method and system for management of packet data transfer in a UMTS system, where Vialen teaches the system makes a decision for uses of common channel or dedicated channel based on acknowledgement received in common channel FACH/RACH (see Vialen, col 2 lines 55-67), thus Vialen discloses a shared channel in a mode in which an acknowledgement is required. Since Winberg, Helmerson and Vialen teach methods and systems for channel management and channel switching in UMTS systems, thus it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify teachings of Winberg and Helmerson, by combining teachings of Vialen of acknowledgements are received in a common channel for determination of channel switching between common channels and dedicated channels that makes the channel transfer between common channels and dedicated channels faster and available to all mobile stations in the system (see Vialen, col 1 lines 45-67, col 2 lines 1-67, col 3 lines 1-3).

Consider claims 2, 7, 12, (Original) a method of transfer of a call connection according to claims 1, 6, 11, Winberg, as modified by Helmerson, teaches in which for a shared channel call connection, upon the parameter value being determined as being less than a predetermined threshold, transfer is made to dedicated channels (Helmerson, page 9 lines 14-30).

Consider claims 3, 8, 13, (Original) A method of transfer of a call connection according to claim 1 or claims 2, 6, 11, Winberg, as modified by Helmerson, teaches in which for a dedicated

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channel call connection, upon the parameter value being determined as being more than a predetermined threshold, transfer is made to shared channels (Helmerson, page 10 lines 4-20).

Consider claims 5, 10, 14, (Original) A method of transfer of a call connection according to claims 1, 6, 11, Winberg, as modified by Helmerson, further teaches in which the shared channels are a Random Access Channel (RACH) and a Forward Access Channel (FACH), the base station comprises a radio network controller, and the base station and user terminal operate to transfer the call connection in accordance with the Universal Mobile Telecommunication System (UMTS) standard (the abstract, page 3 lines 28-31, page 4 lines 12-18, page 5 lines 6-30).

Consider claim 15, (New) The radio network controller according to claim 11, Winberg, as modified by Helmerson, teaches:

a Node B, the Node B responsive to the channel allocator to transfer the call connection between dedicated channels and shared channels (Helmerson, page 3 lines 22-30).

Consider claim 16, (New) The radio network controller according to claim 11, Winberg, as modified by Helmerson, further teaches wherein the call connection is transferred in accordance with the Universal Mobile Telecommunication System (UMTS) standard (Winberg, the abstract, page 3 lines 28-31, page 4 lines 12-18, page 5 lines 6-30).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY C. HO whose telephone number is (571)270-1108. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Huy C Ho/
Examiner, Art Unit 2617

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2626